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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,285	11/28/2000	Rudy G. Bonefas	003636.0096	5470

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EXAMINER
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BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/723,285

Applicant(s)

BONEFAS ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is in response to a communication made on July 26, 2004.

Claims 1-55 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-13, 23-29, and 36-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Aether Technologies publication of “Enterprise Data Wireless Center”.**

Regarding claims 1, 37, and 49, Aether discloses a method of sending an alert to selected clients devices in a communications system including a server adapted to run a server application, a message router communicating with the server, a plurality of protocol gateways communicating with the message routers (Page 17, paragraph 4, “The Message Router...”), and a network adapted to couple the server and the protocol gateways to client devices (Page 10, Figure 2-1) comprising: generating said alert with said server application (Page 22, Paragraph 1, lines 3 – 5, “Rather than force...”), said alert including customer information (Page 22, Paragraph 1, lines 3 – 5, “Rather than force...”); sending said alert to said message router (Page 22, Paragraph 1, lines 5 – 7, “In this case...”); retrieving a station ID of said client device based on said customer information with said message router (Page 22, Paragraph 1, lines 6 – 8, “The receiving

Message Router..."); determining a communication type of said client device based on said station ID; selecting one or more of said plurality of protocol gateways based on said communication type; and forwarding said alert to said selected one or more of said plurality of protocol gateways (Page 22, Paragraph 1, lines 6 – 9, "The receiving Message Router..."); formatting said alert with said protocol gateway for said selected client device; and forwarding said formatted alert via said network to said selected client device (Page 13, Paragraph 7, "A Protocol Gateway...").

Regarding claims 2, 38, and 50, Aether discloses that said customer information includes at least one of a customer ID and a port number (Page 22, Paragraph 2, lines 5 – 11, "What's missing from...").

Regarding claims 3 and 39, Aether discloses searching a user table to obtain said station ID associated with said customer ID (Page 22, Paragraph 2, lines 3 – 4, "If the client's...").

Regarding claims 4, 40, and 51, Aether discloses that step d) further comprises searching a local cache of said message router for said station ID associated with said customer ID (Page 22, Paragraph 1, lines 6 – 8, "The receiving Message...").

Regarding claims 5 and 41, Aether discloses that step d) further comprises searching a local cache of said message router and a device table for a first device associated with said customer ID when both said customer ID and port number are provided (Page 22, Paragraph 2, "Sending a message...").

Regarding claims 6 and 42, Aether discloses that returning an inactive customer message to said server if no station ID is retrieved (Page 21, Paragraph 5, "If the Protocol..."; Page 37, Paragraph 6, "This stored SQL...").

Regarding claims 7 and 43, Aether discloses segmenting said alert with said selected protocol gateway into message segments before sending said alert over said network (Page 14, Paragraph 4, "All Messages to...").

Regarding claims 8 and 44, Aether discloses assembling said message segments at said client device (Page 48, Paragraph 5 and 6, "All incoming message...").

Regarding claims 9 and 45, Aether discloses that said alert includes at least one of an alert message, a compression flag, an encryption flag, and an acknowledgement flag (Page 47, Paragraph 3, "This field contains...").

Regarding claims 10 and 46, Aether discloses returning an acknowledgement to said selected protocol gateway after receiving said formatted alert message at said client device (Page 48, Paragraph 2, "When all message...").

Regarding claims 11 and 47, Aether discloses forwarding said acknowledgement from said selected protocol gateway to said server (Page 15, Paragraph 4 and 5, "When a message...").

Regarding claims 12 and 48, Aether discloses that said customer information is a client information object (Page 31 and 32, Table 4.1.4).

Regarding claim 13, Aether discloses that said client information object includes a customer ID and a device ID (Page 34, 4.2.1 NewCustomer includes DeviceAddress and CustomerID).

Regarding claims 23 and 52, Aether discloses a method of sending alerts to client devices, comprising: generating said alert at a server (Page 22, Paragraph 1, line 1 – 2, “At times, a...”); said alert including a customer ID and a device ID (Page 31 and 32, Table 4.1.4; Page 34, 4.2.1 NewCustomer includes DeviceAddress and CustomerID); forwarding said alert to a message router (Page 22, Paragraph 1, lines 5 – 7, “In this case...”); locating with said message router one or more station IDs based on said customer ID and device ID (Page 22, Paragraph 1, lines 6 – 8, “The receiving Message Router...”); determining with said message router a communication type associated with each station ID; forwarding said alert to a protocol gateway associated with said determined communication type; and transmitting said alert with said protocol gateway over a network to said client devices (Page 22, Paragraph 1, lines 6 – 9, “The receiving Message Router...”).

Regarding claims 24 and 53, Aether discloses receiving said alert with a transport layer of an application running on said protocol gateway and sending said alert from said transport layer to client applications (Page 22, Paragraph 1, lines 6 – 9, “The receiving Message Router...”)

Regarding claims 25 and 54, Aether discloses segmenting said alert into message segments with said protocol gateway (Page 14, Paragraph 4, “All Messages to...”).

Regarding claims 26 and 55, Aether discloses that said client application assemble said message segments (Page 48, Paragraph 5 and 6, "All incoming message...").

Regarding claim 27, Aether discloses sending an acknowledgement from said client device to said protocol gateway once said alert is received by said client device (Page 48, Paragraph 2, "When all message...").

Regarding claim 28, Aether discloses that after receiving said acknowledgement from said client device, sending said acknowledgement from said protocol gateway to said server that forwarded said alert (Page 15, Paragraph 4 and 5, "When a message...").

Regarding claim 36, Aether discloses formatting said alert for said client device with said protocol gateway (Page 13, Paragraph 7, "A Protocol Gateway...").

Regarding claim 29, Aether discloses that said alert comprises at least one of an alert message, a client information object including said customer ID and device ID, message flags, compression flag and an encryption flag (Page 47, Paragraph 3, "This field contains...").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



**Claims 14-22 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aether in view of Archer (6683870).**

Regarding claims 14 and 31, Aether does not explicitly indicate that said alert includes an active device only flag and wherein said device ID can be set to all devices. Archer teaches a messaging system which includes the ability to message a subscriber in multiple ways. One of those ways is to send the message to the device that can be considered active (Column 3, lines 56 – 62). Another one of those ways is to send a message to all the devices that the subscriber has to his account (Column 4, lines 43 – 57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teachings of adding features to Aether's system in order to be able to get the message to the user the quickest way possible, which could be alerting the active device of the user or alerting all the devices of the user (Column 3, lines 56 – 62; Column 10, lines 1 – 10).

Regarding claim 15, Aether in combination with Archer discloses that if the active device only flag is set and the device ID is specified, searching a local cache of the message router for the station ID because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62), the address in local cache, which also happens to be the most recently used device (Aether, Page 18, Paragraph 2 "When the Message..."; Paragraph 5, lines 8 – 10, "If the user...").

Regarding claim 16, Aether in combination with Mulligan discloses that if the station ID is not located in the local cache, searching a user table for the station ID (Aether, Page 22, Paragraph 2, lines 1 – 4, "Sending a message...").

Regarding claim 17, Aether in combination with Archer discloses that if the active device only flag is set and the device ID is set to all devices, searching only the user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 18, Aether in combination with Archer that if the active device only flag is not set and the device ID is specified, searching a local cache of the message router for the station ID (Aether, Page 22, Paragraph 3, lines 1 – 3, “Sending a message...”; Aether, Page 43, Paragraph 2, “Designate Target Destination...”).

Regarding claim 19 and 33, Aether in combination with Archer discloses that if the station ID is not located in the local cache, searching a device table for the station ID (Aether, Page 22, Paragraph 3, lines 1 – 4, “Sending a message...”).

Regarding claim 20, Aether in combination with Archer discloses that if the active only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 32, Aether in combination with Archer discloses that the locating step comprises: if the active device only flag is set and the device ID is specified (Aether, Page 43, Paragraph 2, “Designate Target Destination...”), searching a local cache of the message router for the station ID because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62;), the address in local cache, which also happens to be the most recently used device (Aether, Page 18, Paragraph 2 “When the Message...”; Paragraph 5, lines 8 – 10, “If the user...”); if the active device only flag is set and the device ID is set to all devices, searching only a

user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62); if the active device only flag is not: set and the device ID is specified, searching a local cache of the message router for the station ID (Aether, Page 22, Paragraph 3, lines 1 – 3, “Sending a message...”); and if the active device only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 30, Aether in combination with Archer discloses that the messages flags specify at least one of: whether the server requires an acknowledgement message (Aether, Page 47, Paragraph 3, “This field contains...”); whether the alert should be sent only if the client device is currently active (Archer, Column 3, lines 56 – 62); and whether the protocol gateway should only attempt message delivery once (Aether, Page 54, Paragraph 2, “Message Retries...”).

Regarding claim 35, Aether in combination with Archer discloses that if no device is located and the device ID is set to all devices, sending an inactive message to the server, otherwise sending a customer not valid message (Archer, Column 9, lines 48 – 50; Aether, Page 48, Paragraph 1 and 2, “When a message...” ) because the system uses a database to look up customers and devices and if no customer or no device is found than the source needs to be notified that the request can not be processed.

Regarding claim 21, Aether does not explicitly indicate providing each station ID retrieved in step c) to the server. Archer teaches the idea of providing the source of the message with the destination or station ID (Column 7, lines 16 – 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use

Archer's teaching on Aether's message routing system in order to allow the source and receiving nodes to communicate after the first alert so that they don't have to continually use the database to find the address of the destination (Column 7, lines 16 – 21).

Regarding claim 22, Aether in combination with Archer discloses providing each station ID retrieved by the message router to the server, before forwarding the alert to the protocol gateway (Archer, Column 6, lines 60 – 62; Aether, Page 21, Paragraph 6, When a Back...”).

Regarding claim 34, Aether in combination with Archer discloses that if device ID set to all devices, providing each device ID located to server (Archer, Column 6, lines 60 – 62; Aether, Page 21, Paragraph 6, When a Back...”).

### ***Response to Arguments***

Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive. The applicant argues that the reference “Enterprise Data Wireless Center” is a confidential copy and not ever published. The examiner believes that since the reference was used as prior art to reject the parent case, application number 09/494553 and then that is evidence that reference was not indicated as confidential. In order to consider the reference an invalid prior art, the examiner needs an affidavit proving that the intent of the reference was confidential and not to be seen or published outside the corporation.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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KB

KB  
August 6, 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER